

BOARD OF EQUALIZATION

CIGARETTE AND TOBACCO PRODUCTS TAX REGULATIONS

Regulation 4063.5. EXPORTED TAX-PAID TOBACCO PRODUCTS.

Reference: Sections 30176.1, 30178.1, 30178.2 and 30179.1, Revenue and Taxation Code.

The board will refund or credit to a distributor the tax paid on tobacco products which are:

(a) Shipped to a point outside this state, pursuant to a contract of sale, by delivery by the distributor to such point by means of:

- (1) facilities operated by the distributor;
- (2) delivery by the distributor to a carrier for shipment to a consignee at such point, or
- (3) delivery by the distributor to a customs broker or forwarding agent for shipment outside this state.

(b) Sold to a foreign purchaser for shipment abroad and delivered to a ship, airplane, or other conveyance furnished by the purchaser for the purpose of carrying the cigarettes or tobacco products abroad and actually carried to a foreign destination.

(c) Sold for use solely outside this state and delivered to a forwarding agent, export packer, or other person engaged in the business of preparing goods for export or arranging for their exportation, and actually delivered to a port outside the continental limits of the United States.

The distributor must file the claim for refund on Board of Equalization Form BOE-1024-T entitled "Claim for Refund – Exported Tax-Paid Tobacco Products" and provide copies of documentation to support payment of taxes, as well as bills of lading or other documentary evidence of the delivery of the tobacco products to a carrier, customs broker or forwarding agent for shipments outside this state. The original documents must be retained by the distributor for inspection by employees of the board. In the case of tobacco products for foreign export, copies of United States Customs shipper's export declarations filed with the Collector for Customs or other documentary evidence of export must be obtained and retained. No refund or credit will be given if the tobacco products are diverted in transit or for any reason are not actually delivered outside the state pursuant to the contract of sale or are not shipped abroad by a foreign purchaser. Any application for refund or credit based upon the exportation of tax-paid tobacco products from this state shall be filed with the board within three months after the close of the calendar month in which the tobacco products are exported.

History: Adopted September 26, 2001, effective February 15, 2002.